

**Introduced by Senator Anderson**

February 27, 2015

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An act to amend Section 11546.1 of, and to add Chapter 5.8 (commencing with Section 11549.20) to Part 1 of Division 3 of Title 2 of, the Government Code, relating to state government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 624, as introduced, Anderson. Accessible state technology.

(1) Existing law establishes the Department of Technology, within the Government Operations Agency, headed by the Director of Technology, who is also known as the State Chief Information Officer. The department is responsible for the approval and oversight of information technology projects by, among other things, consulting with agencies during initial project planning to ensure that project proposals are based on well-defined programmatic needs and consider feasible alternatives to address the identified needs and benefits consistent with statewide strategies, policies, and procedures.

This bill would establish, in the Government Operations Agency within the Department of Technology, the Office of Accessible Technology to monitor and facilitate compliance of state electronic and information technology with the requirements of certain state and federal laws relating to the accessibility of technology. This bill would require the office to be headed by a Chief of the Office of Accessible Technology who is required to, among other things, audit compliance of state electronic and information technology with the requirements of state and federal laws relating to the accessibility of technology, train chief information officers in other state agencies and entities, and manage complaints from state employees and members of the public relating to the accessibility of technology. This bill would also require

the chief to post the results of all audits on the office's Internet Web site. This bill would make these provisions operative only upon the Legislature making an appropriation to implement them.

(2) Existing law requires each state agency and each state entity, as those terms are defined, to have a chief information officer with specified duties relating to information technology.

This bill would specifically include ensuring compliance with state and federal laws relating to the accessibility of technology among the duties of those chief information officers.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11546.1 of the Government Code is  
2 amended to read:

3 11546.1. The Department of Technology shall improve the  
4 governance and implementation of information technology by  
5 standardizing reporting relationships, roles, and responsibilities  
6 for setting information technology priorities.

7 (a) (1) Each state agency shall have a chief information officer  
8 who is appointed by the head of the state agency, or by the head's  
9 designee, subject to the approval of the Department of Technology.

10 (2) A chief information officer appointed under this subdivision  
11 shall do all of the following:

12 (A) Oversee the information technology portfolio and  
13 information technology services within his or her state agency  
14 through the operational oversight of information technology  
15 budgets of departments, boards, bureaus, and offices within the  
16 state agency.

17 (B) Develop the enterprise architecture for his or her state  
18 agency, subject to the review and approval of the Department of  
19 Technology, to rationalize, standardize, and consolidate  
20 information technology applications, assets, infrastructure, data,  
21 and procedures for all departments, boards, bureaus, and offices  
22 within the state agency.

23 (C) Ensure that all departments, boards, bureaus, and offices  
24 within the state agency are in compliance with the state information  
25 technology ~~policy~~ *policy, and statutes, including, but not limited*  
26 *to, subdivision (d) of Section 11135.*

1 (b) (1) Each state entity shall have a chief information officer  
2 who is appointed by the head of the state entity.

3 (2) A chief information officer appointed under this subdivision  
4 shall do all of the following:

5 (A) Supervise all information technology and  
6 telecommunications activities within his or her state entity,  
7 including, but not limited to, information technology, information  
8 security, and telecommunications personnel, contractors, systems,  
9 assets, projects, purchases, and contracts.

10 (B) Ensure the entity conforms with state information technology  
11 and telecommunications policy—~~and, enterprise—architecture~~  
12 *architecture, and statutes, including, but not limited to, subdivision*  
13 *(d) of Section 11135.*

14 (c) Each state agency shall have an information security officer  
15 appointed by the head of the state agency, or the head's designee,  
16 subject to the approval by the Department of Technology. The  
17 state agency's information security officer appointed under this  
18 subdivision shall report to the state agency's chief information  
19 officer.

20 (d) Each state entity shall have an information security officer  
21 who is appointed by the head of the state entity. An information  
22 security officer shall report to the chief information officer of his  
23 or her state entity. The Department of Technology shall develop  
24 specific qualification criteria for an information security officer.  
25 If a state entity cannot fund a position for an information security  
26 officer, the entity's chief information officer shall perform the  
27 duties assigned to the information security officer. The chief  
28 information officer shall coordinate with the Department of  
29 Technology for any necessary support.

30 (e) (1) For purposes of this section, "state agency" means the  
31 Transportation Agency, Department of Corrections and  
32 Rehabilitation, Department of Veterans Affairs, Business,  
33 Consumer Services, and Housing Agency, Natural Resources  
34 Agency, California Health and Human Services Agency, California  
35 Environmental Protection Agency, Labor and Workforce  
36 Development Agency, and Department of Food and Agriculture.

37 (2) For purposes of this section, "state entity" means an entity  
38 within the executive branch that is under the direct authority of  
39 the Governor, including, but not limited to, all departments, boards,

bureaus, commissions, councils, and offices that are not defined as a “state agency” pursuant to paragraph (1).

(f) A state entity that is not defined under subdivision (e) may voluntarily comply with any of the requirements of Sections 11546.2 and 11546.3 and may request assistance from the Department of Technology to do so.

SEC. 2. Chapter 5.8 (commencing with Section 11549.20) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

#### CHAPTER 5.8. OFFICE OF ACCESSIBLE TECHNOLOGY

11549.20. (a) There is in the Government Operations Agency, within the Department of Technology, the Office of Accessible Technology. The purpose of the Office of Accessible Technology is to monitor and facilitate compliance of state electronic and information technology with the requirements of subdivision (d) of Section 11135.

(b) The office shall be under the direction of a chief, who shall be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The chief shall report to the Director of Technology and shall lead the office in carrying out its mission. The chief shall possess knowledge and expertise in evaluating compliance with the accessibility requirements of Section 508 of the federal Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations.

(c) For purposes of this chapter, the following terms shall have the following meanings:

(1) “Chief” means the Chief of the Office of Accessible Technology.

(2) “Office” means the Office of Accessible Technology.

11549.22. The chief shall do all of the following:

(a) Develop and update statewide policies, standards, and procedures for ensuring compliance with the requirements of subdivision (d) of Section 11135.

(b) Provide training to chief information officers appointed pursuant to Section 11546.1.

(c) Audit compliance of state electronic and information technology with the requirements of subdivision (d) of Section

1 11135 and cooperate with chief information officers, as necessary,  
2 to develop corrective action plans for achieving compliance.

3 (d) Manage complaints from state employees and members of  
4 the public related to the requirements of subdivision (d) of Section  
5 11135.

6 11549.24. The chief shall post the results of all audits conducted  
7 pursuant to this chapter on the office's Internet Web site.

8 11549.26. The office shall consult with the Director of  
9 Technology, the Director of Rehabilitation, the Director of General  
10 Services, the Chancellor of the California State University, and  
11 any other relevant agencies concerning policies, standards, and  
12 procedures related to accessible technology.

13 11549.28. This chapter shall become operative only upon the  
14 Legislature making an appropriation to implement the provisions  
15 of this chapter, and thereafter shall remain operative.